DOCUMENT RESUME

ED 145 497 CS 501 873

AUTHOR Jacklin, Phil; And Others
TITLE Access is Fairness: A Petition for Reconsideration of the Federal Communications Commission's Fairness Report, F.C.C. Docket No. 19260. Summary.
INSTITUTION Citizens Communication Center for Responsive Media, Washington, D.C.
PUB DATE Aug 74
NOTE 44p.

EDRS PRICE MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS Broadcast Industry; *Citizen Participation; Communication (Thought Transfer); *Freedom of Speech; Mass Media; *Programing (Broadcast); Program Proposals; *Public Policy; *Radio; *Television
IDENTIFIERS Fairness Doctrine; Federal Communications Commission; *Public Access

ABSTRACT

This petition, submitted to the Federal Communications Commission (FCC), proposes an "adequate access policy" that would enable broadcasters to comply with the FCC's Fairness Doctrine. Following this policy, broadcasters would provide individuals with free public access time in the form of "free-speech messages"--one-minute, on-the-air spots repeated at various times throughout the week. The advantages of an adequate access policy are that it would remove the FCC from program-content regulation, it would free broadcast journalists from real or imagined inhibitions of the existing Fairness Doctrine, it would stimulate the initial airing of controversial programming, and it would provide contrasting, balanced views on issues already broadcast. A list of topics of free-speech messages that have been broadcast in San Francisco is attached. (RL)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

ED145497

ACCESS IS FAIRNESS
A PETITION FOR RECONSIDERATION OF THE FEDERAL COMMUNICATIONS COMMISSION'S FAIRNESS REPORT, F.C.C. DKT. 19260

SUMMARY

The Committee for Open Media, San Jose, California Chapter, (COM), a citizens' group seeking to improve broadcasting institutions, is calling for further FCC Inquiry and experimentation in the Fairness Doctrine area. COM proposes, in a petition filed jointly with attorneys from Citizens Communications Center, Washington, D.C., that a broadcaster who has an "adequate access policy" would presumptively comply with the Fairness Doctrine. Stations could voluntarily choose this "access option" for Fairness compliance, or proceed case-by-case under the existing Doctrine.

An "adequate access policy" would provide free public access time for individuals to mass communicate to fellow citizens. Both spot and program formats, totalling at least one hour -- or less than 1% of an average broadcast week, would be used. The access option would aim to reach a large proportion of a station's net weekly audience, preferably 50%.

The policy's touchstone would be Free Speech Messages -- short, usually one minute spots repeated 5 or 7 times throughout the week at various times, including prime time. COM proposes that 35 minutes a week be devoted to FSMs and 25 minutes a week be access programming.

The access option would actually better serve First Amendment, Fairness Doctrine and public interest goals than the existing doctrine. It would remove the FCC from program content regulation. The Commission would restrict its inquiries to the adequacy of and compliance with a station's access policy.

The access option would facilitate initial airing of controversial programming by the community. It would free broadcast journalists from real or imagined inhibitions of the existing Fairness Doctrine, also stimulating a broadcaster's initial airing of controversy.

Finally, it would provide the opportunity for presentation of contrasting (balancing) views on issues already broadcast. In fact, under the access option, spot messages responding to controversial issues raised would more likely reach audiences which heard or viewed the issue's original airing than responsive programming under existing procedures.

The proposal's main exception would be editorial advertisements. To prevent one-sided private propayandizing, existing actual balance requirements would apply. Political broadcasting rules would also be unaffected.

Phil Jacklin
Committee for Open Media
c/o Philosophy Department
San Jose State University
San Jose, California 95192
(408) 277-2875

Charles Firestone/Frank Lloyd
Citizens Communications Center
1914 Sunderland Place, N.W.
Washington, D.C. 20036
(202) 296-4238

Filed: August 12, 1974

"PERMISSION TO REPRODUCE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY
Citizens Communications Center
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter Of	)	
	)	
The Handling of Public Issues Under the Fairness Doctrine and the Public Interest Standards of the Communications Act	)	Docket No. 19260

ACCESS IS FAIRNESS:
A PETITION FOR RECONSIDERATION AND/OR
CLARIFICATION OF THE FAIRNESS REPORT

The Committee for Open Media, San Jose, California Chapter (COM) is a group of citizens seeking to further democratic use of the Nation's communications media by the design of creative and responsive institutions. COM respectfully requests the Federal Communications Commission to reconsider and/or clarify its Fairness Report, FCC 74-702, 39 Fed. Reg. 26372, released July 12, 1974, with respect to a broadcaster's voluntary use of public access programming, in spot and/or program formats, to satisfy its public interest obligations under the Fairness Doctrine.

Specifically, COM requests the Commission to issue either a Further Notice of Inquiry calling for public comments on the matter, or a clarifying order which recognizes that a broadcaster that voluntarily airs a significant amount of time affording citizens free and direct access to the medium, at times aimed at reaching a

---

1/ This Petition is filed pursuant to Section 405 of the Communications Act of 1934, 47 U.S.C. §405, and Section 1.106 of the Commission's Rules, 47 CFR §1.106 (1973).

substantial portion of a station's audience, shall satisfy its two-fold Fairness obligation both to provide adequate discussion of controversial issues and to provide a rough "balance" of views on those issues. At the least, COM urges the Commission to authorize experimentation with this or similar proposals in various markets for a three year period.

In support of this Petition, COM submits that an adequate access policy would fully satisfy the fairness requirements of Section 315(a) of the Communications Act, 47 U.S.C. §315(a)(1964), and its First Amendment objectives.

I. THE COMMITTEE FOR OPEN MEDIA

The Committee for Open Media is an incorporated non-profit organization chartered by the State of California. The San Jose, California Chapter, petitioner herein, is a standing committee of the Santa Clara County Chapter of the Northern California American Civil Liberties Union. It seeks, among other aims, to further the public interest in the operation of broadcast stations by the design of creative, responsive and democratic institutions which would provide individuals and groups the opportunity to mass communicate to their fellow citizens. It also seeks to encourage the best and least restrictive means to facilitate an informed electorate.

There are several chapters of the Committee throughout the country, including but not limited to San Francisco, Oakland, Stockton and Los Angeles, California, Portland, Oregon, Minneapolis, Minnesota

Chicago, Illinois, and Pittsburgh, Pennsylvania. All chapters are independent, however, and the San Jose Chapter does not necessarily speak for all of them.

COM has participated in both adjudicatory and rulemaking proceedings at the Commission, including the instant matter. It has significant roots in its community and represents a substantial number of listeners and viewers. It has standing to file this Petition.

II. RECENT DEVELOPMENT IN THE USE OF ACCESS MESSAGES CALL FOR RECONSIDERATION

The state of the broadcasting art has changed since the expiration of time for filing comments in this long-pending proceeding (47 CFR §1.106(c)(1)), and consideration of the new facts relied upon in this Petition is required in the public interest (47 CFR §1.106 (c)(3)). The basis for this statement is the rapidly emerging viability of citizen access spots in broadcasting, sometimes called Free Speech Messages (FSMs).

Free Speech Messages are short, normally one-minute, radio and television spots, that are made available to the members of the broadcaster's community to address issues of public concern. These are not "counter-commercials" or necessarily "counter-" to anything the broadcaster has itself aired. Citizens requesting these spots may and do use them to raise new issues, as well as to present contrasting views to those already aired by the broadcaster in its own programming or presented by another individual or group in a prior access spot.

These messages are spread throughout the broadcast week, and repeated several times at different time slots. Their scheduling is usually aimed at reaching approximately 50% of the station's normal weekly audience. Persons requesting access time are allocated spots on a first-come, first-served or a "representative" basis. The mechanics of such an access message system are described in Section III, infra.

In the past three years, FSMs have been adopted and aired by all four San Francisco, California VHF commercial television stations, some Group W television stations, stations in Columbus, Ohio, Denver, Colorado, New Orleans, Louisiana and other radio and television stations around the country. COM seeks to have the Commission recognize and encourage voluntary use of such spot messages through a voluntary legal procedural incentive: the "access option." The Commission can accomplish this objective by recognizing a fair and adequate access system to be a procedural shield against fairness complaints at the Commission level.

Such an approach to the two aspects of the Fairness Doctrine would have a salutary effect on broadcast regulation. It would remove the Commission from day-to-day decisions based on the content of a broadcaster's programming. It would eliminate many complaints presently being received by the Commission. And it would also free broadcasters from real or imagined inhibitions against airing strong programming on controversial issues, thus furthering other First Amendment goals

and objectives. Finally, by making such a system optional and by conducting a 3-year experiment in various markets, the Commission could compare the results under each form of Fairness regulations, providing the Commission, the broadcasters, and the public with the first hard data in this long-running debate.

As the Court recognized in CBS v. Democratic National Committee, 412 U.S. 94, 132 (1973), the resolution of the free speech question in broadcasting is a "necesssarily dynamic" one. The Commission should encourage experimentation with an optional access system of this type as a means of achieving the goals of the Fairness Doctrine as part of the continuing search to "devise some kind of limited right of access that is both practicable and desirable." Id. at 131.

III. AN ADEQUATE ACCESS POLICY CAN PRESUMPTIVELY SATISFY A BROADCASTER'S TWOFOLD FAIRNESS OBLIGATION

A. The Twofold Fairness Obligation.

In its Fairness Report, the Commission restated a broadcaster's twofold obligation under the Fairness Doctrine.

> Briefly stated, "the doctrine imposes two affirmative responsibilities on the broadcaster: coverage of issues of public importance must be adequate and must fairly reflect differing viewpoints."1/

In so doing, the Commission expressed throughout its Report that the purpose and foundation of the doctrine is the First Amendment itself (¶11), that the doctrine is an essential element of the public interest

---

1/ Fairness Report, supra, p. 1, n.1, citing CBS v. Democratic Nat'l Committee, 412 U.S. 94, 111 (1973). See also Red Lion Broadcasting Corp. v. FCC, 395 U.S. 367, 377 (1969); Report on Editorializing by Broadcast Licensees, 13 F.C.C. 1246 (1949).

standard and Section 315(a) of the Communications Act [1] (n.6), and that strict adherence to the doctrine, "including the affirmative obligation to provide coverage of issues of public notice" is the single most important requirement of operation in the public interest (¶24). [2]

It is clear from the Report that the Commission views the broadcaster's twofold Fairness obligation as a crucial consideration in granting and renewing licenses. Absent reasonable exercise of licensee discretion, a broadcaster can lose its license for failure to meet this obligation. [3] In view of this serious consequence, broadcasters generally steer clear of any potential Fairness problems. While the Commission officially denies that the balancing aspect of the Fairness Doctrine inhibits broadcasters' initial presentation of controversial issue programming, [4] other studies indicate the contrary. [5]

1/ This reaffirmed, by amendment in 1959, "the obligation imposed upon [broadcasters] under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

2/ See also ¶¶5, 9-12, 28, 30, 61, 75, 81 and 83.

3/ A licensee "is prohibited from 'excluding partisan voices and always itself presenting views in a bland, inoffensive manner.' . . . A broadcaster neglects that obligation only at the risk of losing his license." Report, ¶81, quoting CBS v. DNC, supra, at 131 [Citation omitted]. See also Office of Communication of United Church of Christ v. FCC, 359 F.2d 994, 1009 (D.C.Cir. 1966).

4/ E.g., Report, ¶¶15-20; Red Lion Broadcasting Co. v. FCC, 395 U.S. 367, 393 (1969); Storer Broadcasting Co., 11 F.C.C.2d 678 (1968). But see CBS (Hunger in America), 20 F.C.C.2d 143, 150 (1969).

5/ E.g., H. Geller, The Fairness Doctrine in Broadcasting (Rand R-1412-FF, 1973), p. 48.

While there is little if any hard data on this issue, nevertheless, it does stand to reason that a broadcaster that does not have to fear loss of its license, or even protracted investigation or litigation, from what it does or does not say over the air will be freer to exercise a truly journalistic role. Freed of even the procedural burdens of content oriented regulation under the Fairness Doctrine, a broadcaster can be expected to contribute more readily to wide-open, robust debate on controversial issues, furthering the most important goals of both the Doctrine and the First Amendment. Cf. New York Times Co. v. Sullivan, 376 U.S. 254 (1964). The access option will free the broadcaster from these burdens and provide the needed stimulus to robust debate.

Thus COM seeks to further the basic free speech goals and objectives of both the First Amendment and the Fairness Doctrine. Simultaneously, it wishes to remove the Commission from the complexities and dangers of total reliance on content-oriented, Fairness Doctrine regulation.

In Red Lion, supra, the Supreme Court observed that the Commission is not powerless to require affirmative presentation of controversial programming. COM agrees, and suggests that the time is ripe for a content-neutral approach to the issue. We submit that an adequate optional access policy, such as that set forth in Section III below, will do this. At the least, experimentation with this proposal would for the first time contribute more than rhetoric to the debate

over the alleged inhibitory nature of current Fairness Doctrine regulation. This is essential to provide the Commission with a factual basis for evaluation of claims of fairness inhibition and rational future policy making in this area. An ounce of experience is worth a pound of speculation.

B. An Adequate Access Policy Serves First Amendment Objectives.

An adequate access policy would serve First Amendment goals by facilitating the public's right to be informed, by encouraging diversity of expression at the local level, and by enabling the public "to receive suitable access to social, political, esthetic, moral and other ideas and experiences." Red Lion, supra, at 390. See Report, ¶81.

As the Commission stated in its recent Fairness Report, citing Red Lion with approval, the public "'. . . must be able to hear [arguments] from persons who actually believe them; who defend them in earnest, and do their very utmost for them.'" 1/ If the objective of the Fairness requirement is that the public be informed, then the public can best be informed over the public's airwaves by members of the public who actually believe and defend the ideas they are propounding. And how better can the Commission facilitate the public's right to know than to encourage interested members of the public themselves to raise in access spots and programs those issues believed to be most important to the general welfare of the community?

1/ ¶41, citing Red Lion, supra at 392, n. 18, quoting J.S. Mill, On Liberty.

Indeed the Commission's own 1960 En Banc Programming Study cited local self expression as the number one public interest obligation of a licensee in shaping its programming. 20 R.R. 1901, 1913 (1960). In addition, such opportunities enable the individual to mass communicate to fellow citizens without resort to demonstrations or violence.[1/]

The Commission has previously found public access to be essential to the public interest in, for example, its cable television rules,[2/] and its prime time access rule.[3/] Congress, too, has found it advisable to legislate access to the broadcasting medium for candidates for federal elective office.[4/] It appears consistent with First Amendment principles, then, that the Commission provide procedural incentives for broadcasters in their discretion to afford the public with access to the public's own airwaves.[5/]

Providing access, moreover, would not impinge upon a licensee's discretion under the First Amendment and the Communications Act to air programming designed to meet the public's needs and

---

1/ See, e.g., Violence and the Media, A Staff Report to the National Commission on the Causes and Prevention of Violence, Vol. IX, at 151 (Washington, D.C. 1969).

2/ 47 CFR §76.251(a)(1973). See Cable Television Report and Order, 37 Fed. Reg. 3269, 3270 (1972).

3/ 47 CFR §76.658(k)(3)(1973). See Network Television Broadcasting, 23 F.C.C.2d 382, 400, aff'd. Mt. Mansfield Television v. FCC, 442 F.2d 470 (2d Cir. 1971).

4/ 86 Stat. 4; 47 U.S.C. §312(a)(7). See 117 Cong. Rec. §12871 (Aug. 2, 1971); S. Rep. No. 96, 92nd Cong., 1st Sess. at 20 (1971).

5/ "Surely a command that the government itself shall not impede the free flow of ideas does not afford non-governmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom." Report, ¶5, quoting Associated Press v. United States, 326 U.S. 1, 20 (1945).

interests. It would be an exercise of such discretion in advance. In adopting the access option the licensee would exercise a "policy-uniform discretion". It would designate in advance a clearly stated access policy which would be applied uniformly throughout the broadcast license term. In addition, a licensee is totally free to supplement access programming with its own journalistic efforts to advance public debate on important issues, and is in fact aided in those efforts by removal of any potential chilling effect of issue-by-issue Fairness enforcement.

COM's approach to Fairness would perhaps most immediately serve First Amendment ends by removing the Commission from total reliance upon program content regulation in Fairness Doctrine administration. As the Commission itself has recognized, "there exists within the framework of fairness doctrine administration and enforcement the potential for undue governmental interference in the processes of broadcast journalism. . ." (Report, ¶13.) Under the access option the Commission would only inquire into whether a licensee has in fact provided a certain amount of effective time for the access spots and/or programming necessary to receive the procedural presumption of Fairness Doctrine compliance. By adopting this more mechanical type inquiry, which does not look at the content of issues discussed during that time, the Commission would circumvent

its present content-oriented approach to Fairness.[1/]

Access, then, would be a less restrictive, and thus constitutionally preferred, means[2/] to achieve the First Amendment goals of fairness. Simultaneously it would obviate the Commission-admitted potential for undue governmental interference with journalism.

C. The Access Option Also Serves Fairness Doctrine Objectives

1. It Promotes The Initial Airing Of Controversial Issues

The access policy would serve Fairness Doctrine objectives in several ways. First it would provide the "opportunity" for the presentation of an adequate amount of programming presenting contrasting viewpoints on controversial issues of public importance.

1/ The Fairness Doctrine, as presently fashioned, is issue oriented. Necessarily, then, the Commission becomes involved in program content to determine whether the broadcaster has aired contrasting viewpoints on a controversial issue. The process, as former Chairman Dean Burch has observed, involves

> first, an examination of the scripts to determine whether the material was pro-pipeline, anti-pipeline or just neutral background. It then involves either counting lines in the scripts or pulling out the stop-watch to estimate the time afforded each side.

Complaint of the Wilderness Society against NBC, 31 F.C.C.2d 729, 735 (Burch, concurring).

Finally, the Commission must then look into the comparability of the reply offer in terms of audience, frequency and length of the response. See Report, ¶44.

2/ See, e.g., United States v. Robel, 389 U.S. 258, 268, n. 20 (1967).

This is precisely what Section 315 of the Communications Act calls for. If an issue is truly of public importance, it is reasonable to presume that it will reach the public forum that an adequate access policy would provide. Simply stated, the access option would provide a free marketplace for proponents and adversaries of any idea to sell their wares. In this manner, the access option may functions like a more effective community self-ascertainment of local needs and problems than a formal ascertainment survey carried out under the Commission's current ascertainment Primer.[1/]

In the three years of Free Speech Messages (FSMs) in San Francisco a very wide range of issues has been raised and discussed, many times from contrasting points of view. We have attached a list of FSM subjects aired on one station over the past three years as Attachment A,

This policy would serve the first of the Fairness Doctrine goals by enhancing the initial airing of controversial issues by the broadcaster as well. If a broadcaster is assured that its access policy will procedurally bar Fairness complaints relating to balanced coverage of issues, it should be more likely to itself air controversial issues initially. This serves Fairness Doctrine as well as First Amendment goals.

1/ Primer on Ascertainment of Community Problems By Broadcast Applicants. 27 F.C.C.2d 650 (1971).

2. It Also Promotes The Broader Reception of Contrasting Views on Such Issues.

A second way that access satisfies Fairness Doctrine objectives is that a larger segment of the public is more likely to see or hear contrasting points of view on particular issues than under the existing "balance" requirements of the second part of the Fairness Doctrine. One problem with the present Fairness Doctrine balance requirement is that there is no provision to assure that those hearing one viewpoint will be likely to hear a contrasting one on the same issue. A prime time half hour special documentary focusing on one side of an issue might be contrasted with an interview with a proponent of the other side on a morning talk show.[1/] Those who watched the documentary will not be likely to see the morning interview, or even know when to watch it if they wanted to.

Under COM's proposal for an adequate access policy, spot messages would be primarily employed, and access scheduling would be geared to reach large audiences. Particularly in the case of spot access messages (FSMs), repeated throughout the broadcast week,

---

1/ As the Commission stated in the Fairness Report at ¶54, the licensee is expected to show "merely that he has provided contrasting viewpoints an opportunity to be heard which is reasonable when considered in relation to the specific programs complained of." Elsewhere, the Commission has held that stations comply with the doctrine by merely offering reply time, even when the offer is refused. See, e.g., Democratic State Committee of California, 12 RR 2d 112 (1968). See also Mid-Florida Television Corp., 40 F.C.C. 620, 621 (1968) (announcement of availability of response time satisfies Fairness obligation), cited in CBS v. DNC, supra, at 94 n. 18 (Brennan, J., dissenting).

the public would be more likely to hear both sides to an issue. While one minute messages may not necessarily examine an issue in great detail, the point is nevertheless raised in the public forum before a wider audience.

One to two minutes is usually enough for most news stories and station editorials. Limited in time, proponents would make their major points concisely. How long does it take for example, to say that the nation needs a balanced budget to fight inflation? Finally, it is better that a significant segment of the public hear basic issues discussed from spokespersons from all sides, than that a miniscule segment hear a full and detailed exposition. 1/

D. The Access Option Would Serve The Objectives of Administrative Convenience And Clarity As To Both Parts of the Fairness Doctrine

1. Its Operation Is Simpler Than The Present Commission Complaint Procedure on "Balance".

In addition to serving the lofty objectives of the First Amendment and the Fairness Doctrine, COM's proposal is simpler and more practical than the present system. It would ease both broadcaster's and the Commission's workload in administering the "contrasting viewpoint" portion of the Fairness Doctrine. The

---

1/ We would expect, furthermore, that a licensee would, as a matter of journalistic integrity, itself produce public affairs programs which did delve into important public issues at length, once such programs are free of any potential Fairness Doctrine inhibitions. Issues first raised on access spots may well be the stimulus for this lengthier debate. And we note that under our proposal (Section III B, infra) a licensee would be expected to air some longer access programs as well as spots.

Commission presently suggests that complainants check first with a licensee as to what the licensee's plans are for balancing the presentation of a particular viewpoint on a publicly controversial issue.[1/] Under COM's proposal, the licensee could answer that, in addition to other programs which might be aired on the subject, complainants can and should use the access time to advance their viewpoint. This would in most cases obviate any Fairness complaint whatsoever at the Commission.

Such a short and simple response to the vast bulk of fairness complaints would not only ease the Commission's administrative burdens under the doctrine. It would also free the broadcaster from preparing detailed, legalistic answers to such complaints, or worrying further about them after the access system is explained and offered.

Even where complaints are in fact filed at the Commission, the Commission would inquire only into whether the broadcaster had provided the basic mechanics of an access option. The Commission would thus remove itself from detailed analysis of the content of programs for or against the controversial issue in question. Nor would it need to ask the broadcaster for such an analysis. Accordingly, the Commission would not in any manner regulate the content of a station's programming. Rather, it would simply inquire into the adequacy of a licensee's access policy, and the station's adherence to its own policy.

1/ Report, ¶¶50, 56; Fairness Doctrine Primer, 40 F.C.C. 598, 600 (1964).

2. An Adequate Access Policy Would Also Clarify The First Fairness Obligation To Air An Adequate Amount Of Controversial Programming

The Commission's restatement in its Fairness Report of a licensee's affirmative effort to air important controversial issues is strong (indeed, it is constitutionally mandated). Yet it closes with the statement that "administration of the doctrine must proceed . . . on a case-by-case basis according to the particular facts and circumstances presented." (¶90). Since the Commission has never previously imposed negative sanctions against a licensee that did not appear to provide electorate informing programming,[1/] licensees and the public may be confused as to precisely what presently constitutes compliance with this affirmative requirement.

COM does not here suggest that the Commission dictate by rule what issues must be covered,[2/] or exactly how and when they should be covered. These decisions are left to a licensee's reasonable discretion, CBS v. DNC, supra, and can be met in a multitude of ways. Nevertheless, the obligation is there and it does involve the possible loss of valuable licenses. Accordingly, it is reasonable for the Commission to expect a number of complaints

---

1/ E.g., the Commission has granted a license to an assignee proposing 0% news and 0% public affairs. Herman C. Hall, 11 F.C.C.2d 344 (1968). See also, Broadcasting in America, 42 F.C.C.2d 1, 17 (1973).

2/ We note simply that a licensee cannot flatly ignore a strongly expressed need in its community. Stone v. FCC, 466 F.2d 316, 328 (D.C.Cir. 1972).

and possibly even license challenges based on a licensee's failure to satisfy its affirmative obligation to air controversial issues. 1/

For this reason, the obligation warrants further clarification. COM urges that such clarification be made in the form of a procedural bar to Commission action on complaints based on the affirmative obligation Fairness Doctrine ground, as well as the "balance" ground. A licensee that has a practice and policy of airing a significant number of access spot messages, or otherwise devotes a significant amount of time to free citizens access programming aimed at reaching large audience shares should be held to have met both Fairness duties. Such a practice should satisfy the first Fairness obligation because if a controversial issue were truly of local public importance, it would be expressed by citizens in access spots or programs.

An adequate access policy, in sum, would simply be one way for a licensee to choose to meet its Fairness obligations. A licensee can choose a different route.. But those that do take the access option would be, under the proposal, procedurally protected from license challenge on Fairness Doctrine grounds. It can only be used to a licensee's advantage. Complaints against those who choose not to follow it would continue to be treated on a case-by-case, issue-by-issue basis.

1/ One such complaint was recently filed against CBS and ABC by the Council on Children, Media and Merchandising, based on their alleged failure to air the controversial issue of children's television advertising. COM may itself take individual action against stations that do not appear to comply generally with the affirmative coverage requirement of the doctrine through any means, access or otherwise.

D. An Exception: Editorial Advertisements

In order to meet the real problem of potential monopolization of the public's access to diverse viewpoints on a particular issue, one exception to the "Access is Fairness" approach is indicated. Ordinary commercials would raise no exception to the procedural protection of the access option. But the situation is different where an entity or person buys time on a station to express its viewpoint in the form of editorial advertisements referred to in Section III(A) of the Fairness Report. As the Commission noted, these "actually consist of direct and substantial commentary on important public issues". (¶60). The station would still have to assure that the contrasting viewpoints to such positions received comparable audience exposure.

This exception is necessary to prevent powerful private interests from disserving the public interest by propagandizing their ideas in a blitz paid spot campaign without comparable response capable of being afforded through the access system. A broadcast station that sold significant prime spot time to, say, a power company to advance a position on a controversial issue would have an obligation to assure comparable spot coverage to contrasting viewpoints. If the use of the access system by opposing advocates in fact met this requirement, that could be satisfactory. But in this instance, and this instance alone, the broadcaster would have to analyze the content of its access system and present additional contrasting viewpoints in its own programming if comparable time was not in fact provided by the access system.

Licensees, of course, are trustees for the public. To allow a private entity to dominate paid spot air time to advance its private position on controversial public issues, without the public also receiving comparable spot time on the other side, does not comport with that responsibility.[1/]

III. AN ADEQUATE ACCESS POLICY

The above proposal for an adequate access policy to be considered Fairness Doctrine compliance is premised on a licensee's providing (1) sufficient time, (2) in periods aimed at reaching large audiences, (3) for the airing of contrasing viewpoints on controversial issues. This approach is legally and conceptually sound. We urge the Commission to call for public discussion of the proposal and for suggestions as to what would be an adequate access policy under the plan. We also suggest that it is now time for the Commission to authorize experiments in one or several markets aimed at gathering evidence and experience under this approach to the Fairness Doctrine.

COM is proposing a procedural presumption as to controversial issue programming which is analagous to "superior service." COM does not presume to have the only answers as to what an adequate access policy would entail. It does, however, have the following

---

1/ See Report, supra, at n.19 and CBS v. DNC, supra. In addition, of course, a licensee would still be held accountable for use of its own news or other programming to serve its own private ends. See NBC, Inc., 14 F.C.C. 2d 7.3 (1968); Chronicle Broadcasting Co., 16 F.C.C. 2d 882, reconsideration denied, 20 F.C.C. 2d 903 (1969), renewed, 40 F.C.C.2d 775 (1973) appeal pending sub nom. Kihn v. F.C.C., D.C. Cir. No. 73-1267.

suggestion on the minimum access policy to which the access option presumption should apply. The Commission should call for comments on this proposal.

A. Free Speech Messages

COM believes that spot access messages, or Free Speech Messages (FSMs), should be the basic touchstone of an adequate access policy. One to two minute spot messages, aired at various times throughout the day, including news and prime time, would be most likely to reach large audiences. We believe that 35 minutes per week, or 5 minutes a day, would be an adequate amount of time to be devoted by a station to such messages. Each week, under this policy, 5 to 7 different messages would be aired for an equal number of times, scheduled at different time slots (including prime time) and days in order to maximize exposure.[1/] Attachment B contains the scheduling of FSMs on an average week by two San Francisco VHF stations.

FSMs would be allocated to spokespeople on two bases, both of them being nondiscretionary as to content with the licensee.[2/] First, half the spots would be allocated on a first-come, first served basis. This is basically the method by which FSMs are presently allocated by most broadcast stations which air them already. It protects the right of minority and individual views to be heard.

1/ The aim would be to reach 50% of the station's net weekly circulation.

2/ As previously noted, this would not mean, however, that a licensee would not be exercising its discretion in providing programming as a public trustee. Rather, the licensee would, in advance, be exercising policy-uniform discretion that its audience would be served by a policy receiving access to divergent viewpoints expressed by those in community who believe them.

Second, half the spots would be allocated on a representative spokesperson system. This would enable those who speak for many people in the community to obtain air time more easily. One such method of allocation would be a petition system: the more signatures a person gathers the higher in line that person stands. Alternatively, representative access could be accorded to those who in any way demonstrate that they speak for a specified number of people. Again, the more people a person speaks for, the quicker that person receives an access spot. 1/

Under this allocation scheme, no one person or group is accorded a specific right to access. See CBS v. DNC, supra. Rather the public would be receiving access to diverse viewpoints. See e.g., Red Lion, supra. The allocation formula for both types of spots would be nondiscretionary to assure the public that the marketplace of ideas is free and not affected by a licensee's substantive views on a particular issue.

Free Speech Messages could not be denied simply because they raise or discuss a point of view contrary to a station's own news or editorial policy. Restrictions against defamatory remarks, profanity or obscenity would be allowable, however, as well as prohibitions against use by commercial advertisers to discuss their particular

---

1/ We would suggest, however, that representative spots be allocated only on a quarterly basis. That is, if a person receives an access spot in January under the representative access system, that person would not be able to air another such representative spot until April. He or she could, however, stand in line in the meantime for a first-come first-served spot. Unused representative - allocated spots would revert to the pool of first come, first-served spots for that period.

products or by political candidates. See Appendix C, the guidelines for FSMs currently used by KPIX-TV, San Francisco, for example.

COM would request, furthermore, that the Commission amend its personal attack rules[1/] to exempt spot access announcements from the requirements that a licensee contact a party personally attacked and offer a reasonable opportunity to respond. A maligned party will have the opportunity to respond to any personal attack on an access spot by obtaining access on the station and responding with his or her own FSM. Alternatively, if the rules are not so amended, a licensee could deny airing of a particular FSM on the basis of its containing a personal attack.[2/]

The entire area of partisan political access, while important, is not meant to be covered by the access option discussed herein. The Communications Act has already been amended to provide reasonable candidate access, and this should be provided separately. Otherwise, particularly preceeding elections, candidates or spokespersons for ballot propositions will totally preempt the entire access time available on every station. Likewise, political editorial replies would not be carried on the access option system. That system, however, would operate to meet the requirements of opportunity for contrasting views

---

1/ 47 CFR §§ 73.123, 73.300, 73.598 and 73.679 (1973).

2/ The access option would not relieve a licensee's obligation to provide time for response to personal attacks in its own programming. If a licensee aired substantial personal attacks, the entire access system could be pre-empted by such replies. Further, personal attacks are more specific and thus easier to deal with than general fairness obligations, and thus do not create the same problems.

to be presented on issues raised in other, non-political, station editorials. Section 315's requirement for candidate "equal opportunites" would also not be met by this system.

In general, the more specific and clear the existing statutory and Commission requirements for reply opportunities -- such as in the case of personal attacks, candidate "equal time" and political editorializing -- the less need there is for an access option system to provide protection from the potential inhibition of subjective enforcement. In addition, in these cases the particular responding party given the reply opportunity is mandated by law, rule or logic, and thus open access is not directly relevant to them.

B. Program Format Access

Other experts on the Fairness Doctrine have suggested that if a licensee would

> provide a reasonable block of prime time (e.g., one hour per week) for those wishing to present contrasting viewpoints (or possibly to open the discussion of a new issue) and make periodic announcements of the availability of this time . . . this would constitute compliance with the statutory requirement in Section 315(a) -- to afford reasonable opportunity for the discussion of contrasting viewpoints.
>
> H. Geller, The Fairness Doctrine in Broadcasting, supra at 149.

COM recognizes the advantages of providing enough time for a spokesperson to propound his or her ideas. While we

believe, as the Commission has recognized (¶61), that shorter announcements on an issue can "make a meaningful contribution to the public debate," such debate could be furthered by providing longer access time periods for expansive treatment of complex issues.

The Commission has set forth three important factors it considers in Fairness cases involving questions of balance: (1) the total amount of time afforded to each side, (2) the frequency with which each side is presented, and (3) the size of the listening audience. (Report, ¶44.) COM has focused on similar criteria. However, in advancing the FSM concept, special attention is paid to the critical impact of audience and frequency, perhaps at the expense of the total amount of time devoted to the contrasting viewpoint.

In order to meet all of the Commission's expressed criteria and other public interest groups' aims, a licensee would best serve the public interest by a combination of spot and program length access programming. But access programs that are relegated to low-audience "ghetto" hours cannot begin to provide the community with the informational impact of widely dispersed and repeated spot messages. Ideally, licensees will fill one of the local half-hour slots made available by the prime time access rule with access programming. This would be an adequate complement to an access system based on FSMs.

The most important factor, COM submits, is the projected audience size. Thus a licensee should present its access programs,

like its FSMs, in both prime time or other times geared to reach large shares of its weekly audience. It should also air at least daily promotional announcements notifying its audineces of the time and subject of that week's access programs.

C. Adequate Combined Spot/Program Access Policy

In sum, COM would propose the following to be an adequte access policy, at least for experimental purposes:

1. 35 minutes of FSMs per week allocated fairly throughout the program schedule, including prime time.

2. 25 minutes of program length access per week, in times geared to reach significantly large audiences, with at least one daily promotion announcement at a time that will also reach a significant audience segment.

The total access time under this policy required of a broadcaster would thus be 1 hour per week. This is less than 1% of the weekly on-air time of a broadcaster operating 18 hours per day. Yet this 1% would be far more significant, and would better serve the purposes of stimulating discussion of controversial issues than setting higher minimum percentages for licensee-produced or purchased public affairs programs, as the Commission is considering in Docket 19154.

D. Logging As Public Affairs

For this reason, the public interest would be served by a Commission determination that all access time may be classified and logged as "public affairs". This would further encourage licensees voluntarily to adopt access programming, and is consistent with the Commission's definition of "public affairs".

Indeed, because FSMs are more likely to reach large audiences -- and the Commission should take audience into account in assessing a licensee's public service performance -- COM submits that spot access time should be counted as at least triple time in computing percentages of public affairs programming reported to the Commission at renewal or in the new Annual Programming Reports.

CONCLUSION

WHEREFORE, the Committee for Open Media, San Jose, California Chapter, respectfully requests the Commission to reconsider its Fairness Report, supra, and to issue a Further Notice of Inquiry, or an order of clarification consistent with the above "Access Is Fairness" proposal.

Respectfully submitted,

Phil Jacklin,
Committee for Open Media
c/o San Jose State University
San Jose, California 95192

Charles M. Firestone

Of Counsel:

Shelly Higgins,
Boalt Hall
University of California
School of Law
Berkeley, California
Student Intern at
Citizens Communications
Center

Charles M. Firestone

Frank W. Lloyd

Citizens Communications Center
1914 Sunderland Place, N.W.
Washington, D. C. 20036
Counsel for Committee for Open Media

August 12, 1974

LIST OF TOPICS OF FREE SPEECH MESSAGES ON
KPIX-TV, SAN FRANCISCO, CAL.
December, 1972 to July, 1974

FSM-1-60CU	B	12/11-12/17/72	Non-Violent Institute	P.Brandt
FSM-2-60CU	C	" "	Singles Organization	J.Beale
FSM-3-60CU	A	12/18-12/24/72	Bart's Black Art	C.Bellows
FSM-4-60CU	B	" "	Seat Belts on Buses	J.Gale
FSM-5-60CU	C	" "	Alcohol-Drunk Driving	J.W.Farr
FSM-6-60CU	A	1/1-1/7/73	Prisoners' Union	J.Richardson
FSM-7-60CU	B	" "	Len's FSM Invitation Promo	L.Schlos[illegible]
FSM-8-60CU	C	" "	Galileo High School	T.William[illegible]
FSM-9-60CU	A	1/8-1/14/73	Asian Stereotyping(CMC)	P.Lee
FSM-10-60CU	B	" "	Gay Alliance	R.Brosheai
FSM-11-60CU	C	" "	Heroin Detoxification	R.Pena
FSM-12-60CU	A	1/15-1/21/73	Corporal Punishment	A.Maurer
FSM-13-60CU	B	" "	Anti-Smoking	M.Williams
FSM-14-60CU	C	" "	Save The Dolphins	S.Minasian
FSM-15-60CU	A	1/22-1/28/73	Supportive Services/ Drugs	C.Armenti
FSM-16-60CU	B	" "	Postal Services	J.Norris
FSM-17-60CU	C	" "	Integration	C.Anderson
FSM-18-60CU	A	1/29-2/4/73	Concerned Citizens/ Nob Hill	T.Covert
FSM-19-60CU	B	" "	Juries/Justice	D.Weitzman
FSM-20-60CU	C	" "	Fire Safety/Forest Fires	C.Melovich

FSM-21-60CU	A	2/5-2/11/73	Len's 2nd FSM Promo	L. Schlosser
FSM-22-60CU	B	" "	Acupuncture	R.French
FSM-23-60CU	C	" "	Postal Employees Union	W. Patton
FSM-24-60CU	A	2/12-2/18/73	Dan Howard/Anti-Ecology	D.Howard
FSM-25-60CU	B	" "	Pet Population Explosion	G.Sargent
FSM-26-60CU	C	" "	Forestry	R.Reid
FSM-27-60CU	A	2/19-2/25/73	Common Cause	L.Weiner
FSM-28-60CU	B	" "	Concerned Students/Consumer	R.Gibbs
FSM-29-60CU	C	" "	Methadone Treatment	L.Robinson
FSM-30-60CU	A	2/26-3/4/73	In-Touch Drugs	B.Heavener
FSM-31-60CU	B	" "	Medical Budget	M.Knapp
FSM-32-60CU	C	" "	Zero Draft	H.Shapiro
FSM-33-60CU	A	3/5-3/11/73	Air Pollution	F.Vandershoot
FSM-34-60CU	B	" "	Pakistan POWs	G.Syed
FSM-35-60CU	C	" "	State Lotteries	C.Heisterberg
FSM-36-60CU	A	3/12-3/18/73	Amnesty	H.Ruffin
FSM-37-60CU	B	" "	Work, for ex-prisoners	B.Carter, Jr.
FSM-38-60CU	A	3/19-3/25/73	Newsmen & Sources	M.Wheeler
FSM-39-60CU	C	3/12-3/18/73	Child Care Centers	K.Jacobson
FSM-40-60CU	B	3/19-3/25/73	Zero Population Grw.	J.Kumofsky
FSM-41-60CU	C	" "	Forestry	J.Odgers
FSM-42-60CU	A	3/26-4/1/73	Women In Politics	P.Price
FSM-43-60CU	B	" "	Auto Mechanics	H.Etchison

FSM-44-60CU	C	3/26/-4/1/73	Child Care	A.Beasley
FSM-45-60CU	A	4/2-4/8/73	Treatment Alternatives to Street Crime	B.Houden
FSM-46-60CU	B	" "	Gay Liberation	T.Edwards
FSM-47-60CU	C	" "	Taxpayers Against War	A.Martin
FSM-48-60CU	A	4/9-4/15/73	Save The Highways	W.Burchers
FSM-49-60CU	B	" "	Against Smoking	S.H.LaClair
FSM-50-60CU	C	" "	POWs in Saigon	W.Kirkland
FSM-51-60CU	A	4/16-4/22/73	Women's Jail Project	K.Iglesias
FSM-52-60CU	B	" "	Tattoo for Dogs	C.Ghormley
FSM-53-60CU	C	" "	Present Divorce Laws	K.Gressman
FSM-54-60CU	A	4/23-4/29/73	Experience Unlimited	D. Roberts
FSM-55-60CU	B	" "	Alternative Schools	D.Hadlock
FSM-56-60CU	C	" "	Citizens Electing Own Candidates	R.Hayes
FSM-57-60CU	A	4/30-5/6/73	Summer Job Crisis	J.Breiteneicher
FSM-58-60CU	B	" "	TV Violence Children	J.Florentine
FSM-59-60CU	C	" "	Equal Rights Amendment	D.Feinstein
FSM-60-60CU	A	5/7-5/13/73	Political Prisoners	D.Weler
FSM-61-60CU	B	" "	Insistance on Truth	R.Linebarger
FSM-62-60CU	C	" "	Shorter Work Week	D.Wyman
FSM-63-60CU	A	5/14-5/20/73	Consumer Action-Banking Services	N.Gendel
FSM-64-60CU	B	" "	Cheaper Spaying & Neutering	J.VanDuyn
FSM-65-60CU	C	" "	Stop Yerba Buena	R.Roderick

FSM=66-60CU	A	5/21-5/27/73	Government Clean Engine	S.Codner
FSM-67-60CU	B	" "	Against Rent Controls	C.Harrod
FSM-68-60CU	C	" "	Anti-Litter	K.Hesia
FSM-69-60CU	A	5/28-6/3/73	Dishonest Fund Raisers	D.Schwartz
FSM-70=60CU	B	" "	Tenants Action Group	T.Jones
FSM-71-60CU	C	" "	Pedestrians vs.Automobiles	R.Jesson
FSM-72-60CU	A	6/4-6/10/73	Towing Expenses	M.Gonzales
FSM-73-60CU	B	" "	Summer Youth Programs	J.Roubaud
FSM-74-60CU	C	" "	Save Pre-Schools	C.Collier
FSM-75-60CU	A	6/11-6/17/73	Save Elementary Drug Abuse	S.Cohn
FSM-76-60CU	B	" "	Dont' Pollute SF Bay	C.Alberts
FSM-77-60CU	C	" "	Join Peace Movement	A.Beckert
FSM-78-60CU	A	6/18-6/24/73	No $$ to Vietnam	A.Guidet
FSM-79-60CU	B	" "	Save Bay Meadows	C.Trainor
FSM-80-60CU	C	" "	Help Back Mai Hospital (Viet Nam)	D.Mattern
FSM-81-60CU	A	6/25/-7/1/73	Soviet Jewlry (no intervw)	M.Broude
FSM-82-60CU	B	" "	Drive Defensively	Lt.V.Senatore
FSM-83-60CU	C	" "	Traffic Safety for kids (no interview)	V. Senatore,Jr.
FSM-84-60CU	A	7/2-7/8/73	Funds for Mentally Retarded (no interview)	L. Gallis
FSM-85-60CU	B	" "	Save the Marsh	R. Thrasher
FSM-86-60CU	C	" "	Parents Guide Kids TV	M.Stagnaro
FSM-87-60CU	A	7/9-7/15/73	Choosing a Career	S.Sestanovich
FSM-88-60CU	B	" "	Concerned for Life	S.Valdez
FSM-89-60CU	C	" "	Oppose Morality Laws	H.Shryock

FSM-90-60CU	A	7/16-7/22/73	Draft Repeal	D.Allen
FSM-91-60CU	B	" "	Expand Child Care	S.Gentry
FSM-92-60CU	C	" "	Vocational Education for all kids	N.Ziegler
FSM-93-60CU	A	7/23-7/29/73	Write Congressmen & Senators	R.Resnick
FSM-94-60CU	B	" "	Save Stanislaus River	D.Kay
FSM-95-60CU	C	" "	Against Unfair Taxation	A.Whitehead
FSM-96-60CU	A	7/30-8/5/73	Against Aptitude Tests	B.Larkins
FSM-97-60CU	B	" "	Sickle Cell Anemia	B.Thompson
FSM-98-60CU	C	" "	For Responsible City Development	G.Zuka
FSM-99-60CU	A	8/6-8/12/73	Too Much Government Power	M.Callahan
FSM-100-60CU	B	" "	Government Should Clean Streets	E.Foust
FSM-101-60CU	C	" "	Chino Defense Commttee	E.Phillips
FSM-102-60CU	A	8/13-8/19/73	Support our Forest Service	R.Reid
FSM-103-60CU	B	" "	East Bay Women for Peace	J.Pesonen
FSM-104-60CU	C	" "	Expand Evening Out-patient facilities	J.Heisterkamp
FSM-105-60CU	A	8/20-8/26/73	Cure our Socail Ills	DeW Baumgarner
FSM-106-60CU	B	" "	Model Family Recreation Ctr.	M.Low
FSM-107-60CU	C	" "	Help Soviet Jews	A.Levinsohn
FSM-108-60CU	A	8/27-9/2/73	Anti Abortion	J.Fiatarone
FSM-109-60CU	B	" "	Second Community Schl	R.McFarland
FSM-110-60CU	C	" "	Water Conservation	G.Regalia
FSM-111-60CU	A	9/3-9/9/73	Open Studio KQED	Y.Chung
FSM-112-60CU	B	" "	USS Midway-Against	K.White

FSM-113-60CU	C	9/3/-9/9/73	Grass Roots Recall-Nixon	V.Selmeir
FSM-114-60CU	A	9/10-9/16/73	POW-MIA League	S.Bidlake
FSM-115-60CU	B	" "	Nob Hill Neighbors	T.Covert
FSM-116-60CU	C	" "	Keep Abortions Legal	V.Murray
FSM-117-60CU	A	9/17-9/23/73	AFRICAN Famine Appeal	M.Payne
FSM-118-60CU	B	" "	Stop Support of Viet pol Prionsers	T.Horrigan
FSM-119-60CU	C	" "	Refute Shockley Thories	H.Dennis
FSM-120-60CU	A	9/24-9/30	Against Lower Drinking Age	J.W.Farr
FSM-121-60CU	B	" "	"Expo-Cuba-Oakl.H.S.Disclaimer	A.Garcia
FSM-122-60CU	C	" "	Confine Dogs for Postmen	R.Tyeskey
FSM-123-60CU	C	10/1-10/7/73	Improve Image of Nurses	B.Carmack
FSM-124-60CU	A	" "	Chinese Art Forms	B.Wong
FSM-125-60CU	B	" "	Free Political Prisoners	C.Duncan
FSM-126=60CU	A	10/8-10/14/73	Be Kind to Cats	L.V.Gohl
FSM-127-60CU	B	" "	For Normalizing US China	B.Leong
FSM-128-60CU	C	" "	Convert Concord/Naval St.	A.Baltzo
FSM-129-60CU	A	10/15-10/21/73	For Prayer Time in Schools	A.Bool
FSM-130-60CU	B	" "	Exhorbitant Auto Ins.	P.Rae
FSM-131-60CU	C	" "	Support Bay Area Teams	G.Platt
FSM-133-60CU	B	" "	Calif.Marijuana Initiatve	E.Janowitz
FSM-134-60CU	C	" "	Teka's Highway Death	E.Corey
FSM-135-60CU	A	10/22-10/28/73	Handicapped Help Themselves	R.Oakley
FSM-136-60CU	B	10/29-11/4/73	Doyle Drive Widening	A.Danekas

FSM-137-60CU	C	10/29-11/4/73	Private Nursery Schools	B.Goodman
FSM-138-60CU	A	10/29-11/4/73	Impeach Pres.Nixon	R.Kusiolek
FSM-143-60CU	A	11/5-11/11/73	Highest PGE Ratesin Hstry	S.Seigal
FSM-140-60CU	B	" "	Medical Cutbacks	D.Bolton
FSM-141-60CU	C	" "	Gov.Charging Bus.Fees	W.Moore
FSM-142-60CU	A	11/12-11/18/73	Objection to Commercials	J.Carleton
FSM-139-60CU	B	" "	Africa Famine Relief	G.Bell
FSM-144-60CU	C	" "	Anti Litter	D.VanTuyl
FSM-145-60CU	A	11/19-11/25/73	Vietnam Burn Center	B.Peters
FSM-146-60CU	B	" "	Stop the Southern Pacific	J.Nelson
FSM-147-60CU	C	" "	Preferential Treatment in Employment	V.Gatelli
FSM-148-60CU	A	11/26-12/2	Loss of Grocery Carts	S.Johnson
FSM-149-60CU	B	" "	Help People retain their apartments	R.Herndon
FSM-150-60CU	C	" "	Horsemeat for Human consumption	B.Connor
FSM-151-60CU	A	12/3-12/9/73	Chinatown Executions	B.Wong
FSM-152-60CU	B	" "	Human Growth Fdn.	J.Levinson
FSM-153-60CU	C	" "	Support Pres.Nixon	B.Acker
FSM-154-60CU	A	12/10=12/16/73	Committee to Save Xmas	J.Purcell
FSM-155-60CU	B	" "	Deterioration of TV News	J.Wolff
FSM-156-60CU	C	" "	Help Viet Political Pris.	J.Barton
FSM-157-60CU	A	12/17-12/23/73	Lampoon's VW Comm.Satre	D.Kruszunski
FSM-158-60CU	B	" "	For United Nations	J.Liebman
FSM-159-60CU	C	12/17-12/23	Policies of Gov.still within our control	P.Fogleman
FSM-160-60CU	A	12/24-12/30/73	F.S.Promo	L.Schlosser

FSM-161-60CU	B	12/24-12/30/73	Energy Crisis	J.Kunofsky
FSM-163-60CU	C	" "	SF Consumer Action	N.Gendel
FSM-162-60CU	A	12/31-1/5/74	Birthright	A.Evans
FSM-164-60CU	B	" "	Amnesty for destd GI	C.Smal
FSM-165-60CU	C	" "	Crisis in Japanese Comm.	C.Hayashino
FSM-166-60CU	A	1/7-1/13	Airwaves Belong to Public	J.Wittison
FSM-167-60CU	B	" "	Migraine Headaches	T.Streeter
FSM-168-60CU	C	" "	Energy Crisis	J.Kunowski
FSM-169-60CU	A	1/14-1/20	Free Health for All	R.Southard
FSM-170=60CU	B	" "	Gas Rationing Coupons	Z.Kadan
FSM-171-60CU	C	" "	More rights for Pris.	E.Pell
FSM-172-60CU	A	1/21-1/27	Energy Saving Tips	E.King
FSM-173-60CU	B	" "	Earning Limitations of SS Act(against)	K.Kottas
FSM-174-60CU	C	" "	Height Limitations for Police	Harold Ortega
FSM-177-60CU	A	1/28-2/3	Police Minority Recruitment	Off.Alan Lim
FSM-175-60CU	B	" "	Pro Abortion	J.Craig
FSM-176-60CU	C	" "	Control Cat Popula.	S.McCarty
FSM-180-60CU	A	2/4-2/10/74	Nazis at SF School Board Mtg	Rabbi Herst
FSM-178-60CU	B	" "	Need a World Law	A.Baltzo
FSM-179-60CU	C	" "	Pro Community Mental Health ~~Mod~~ Programs	F.Shoaf
FSM-160-60CU	A	2/11-2/17	Len's FS Promo	L.Schlosser
FSM-181-60CU	B	" "	Alternatives to Prisons	A.D'oregix
FSM-182-60CU	C	" "	Oil Co.Monopolies-Higher Air Fares	R.Mangold

FSM-183-60CU	A	2/18-2/24	Learning Disabilities/ Dislexia	J.Cressey
FSM-184-60CU	B	" "	Throwing Away Votes	G.Fearon
FSM-185-60CU	C	" "	Imprisonment of A.Y. Sadler	D.Sadler
FSM-186-60CU	A	2/25-3/3	Implement Supreme Ct. Decision(Eng.to non-Eng.speaking students	B.Tom
FSM-187-60CU	B	" "	Cat Neutering	K.Kahn
FSM-188-60CU	C	" "	RIDES'I'm a Carpooler	M.Glick
FSM-189-60CU	A	3/4-3/10/74	Bill for Nat'l Ref.	R.F.Vernon
FSM-190-60CU	B	" "	Tips Against Alcoholism	D.Ryerson
FSM-191-60CU	C	" "	Save Baby Harp Seals	D.VanZwalvwenbur
FSM-192-60CU	A	3/11-3/17	Help Establish low cost spay clinic	P.Shaw
FSM-193-60CU	B	" "	Protect Wild Horses	P.Harris
FSM-194-60CU	C	" "	Muni should have guide to transit	S.Harrison
FSM-196-60CU	A	3/18-3/24	Enforce Leash Laws	L.Pollock
FSM-195-60CU	B	" "	Abuse of media's freedom of press	J.Schnieder
FSM-197-60CU	C	" "	Against St.Mary's Hosp.	M.Engmann
FSM-198-60CU	A	3/25-3/31	Lowell H.S.Sexists Entry Requirements	E.Kahn
FSM-199-60CU	B	" "	Pro Affirmative Action	L.Lee
FSM-200-60CU	C	" "	Salute Sol Zhenitsyn	S.Graham
FSM-201-60CU	A	4/1-4/7	Refuse SLA-PIN Food	S.Herr
FSM-202=60CU	B	4/1-4/7	How toRaise Children	L.Ackerhecht

FSM-203-1821	C	4/1-4/7	Be Careful with Gasoline	Dr.Capozzi
FSM-204-1822	A	4/8-4/14	Sr.Citizen Property Owners	F.Rodoni
FSM-205-1823	B	" "	Fly A Black Flag on 4/15	V.J.Selmier
FSM-206-1824			DESTROYED	
FSM-160-1819	C	4/8-4/14	Len's FSM Promo	L.Schlosser
FSM-207-1825	A	4/15-4/21	Communicate w/Legislators	G.Bartlett
FSM-208-1826	B	" "	Finding New Oak Sch.Superi.	R.Holloway
FSM-209-1827	C	" "	Traffic Lights-Synchronize	T.Taffel
FSM-210-1828	A	4/22-4/28	Calif.League of Conserv. voters	C.Pope
FSM-212-1831	B	" "	Improve Kindergarten in PS	R.Velasquez
FSM-160-1819	C	4/22-4/28	Len's Promo	L.Schlosser
FSM-213-1822	A	4/29-5/5	Vote for Persons who'll represent poor & working class	A.Marlo
FSM-214-1823	B	" "	Keep 55 MPH Speed	M.McBride
FSM-215-1824	C	" "	End ofWWII & rejection of Nazism	R.M.Kaplan
FSM-216-1825	A	5/6-5/12	Trim Pentagon Budget	E.Salkind
FSM-217-1826	B	5/6-5/12	Lack of Gospel Music in Media	Rev.Wright
FSM-218-1827	C	" "	Anti-Warm Springs Dam	G.Denise

pg. 11 FREE SPEECH MESSAGES

FSM 213	5/13-5/19	Vote for Persons representing the people	A. Marlo
FSM 220	5/13-5/19	Building more prisons doesn't solve problems	R. Silliman
FSM 223	" "	Learn International Law	J. Syed
FSM 221	5/20-5/26	U. S. Postal Service-Managerial Inefficiencies	R. Brown
FSM 222	" "	United Prisoners Union	S. Hunter
FSM 224	" "	Committee for Better Working Conditions	C. Wax
FSM 225	5/27-6/2	Reverse Supreme Ct. Decision-Legalized abortions	C. Paolini
FSM 226	" "	Support Supreme Ct. Decision-Legalized abortions	T. Enomoto
FSM 227	" "	Calif.'s Restrictive Election Laws-Change them	M. Wilkinson
FSM 228	6/3-6/9	Organized Carpooling is the Answer	E. Martin
FSM 229	" "	Amnesty is a Legal Act	C. Smale
FSM 160	" "	Free Speech Invitation	L. Schlosser
FSM 230	6/10-6/16	Parents & Educators should Communicate	D. Bull
FSM 231	" "	Committee for Democratic Election Laws	K. Cone
FSM 232	6/17-6/23	S. F. Controller's Budget & defects of present system	Rabbi Herst
FSM 233	" "	Bay Area Gay Pride Week	J. Cailleau
FSM 234	" "	Calif. Adult Authority-Indeterminate Sentence	K, Jackson
FSM 235	6/24-6/30	National Autistic Children's Week	D. Miller

pg. 12 FREE SPEECH MESSAGES

FSM 239	6/24-6/30	Alternate Street Parking for Street Sweeping in residential areas & its problems	L. Greenfield
FSM 237	" "	Protect the Humpback Whale	K. Grogan
FSM 238	7/1-7/7	Government Reforms needed for effe ctive democracy	G. Rowsey

WBZ - WBZ-TV BOSTON
WINS NEW YORK
KYW - KYW-TV PHILADELPHIA
WJZ-TV BALTIMORE
KDKA - KDKA-TV PITTSBURGH
WOWO FT WAYNE
WIND CHICAGO
KPIX SAN FRANCISCO
KFWB LOS ANGELES

GROUP W

WESTINGHOUSE BROADCASTING COMPANY INC

KPIX 5

2655 VAN NESS SAN FRANCISCO CALIFORNIA 94109 776-5100

Dear _____:

The following is your Free Speech Message Schedule. Air times are tentative. In case of a pre-emption, we will try to make good the message sometime during the week.

Air dates: Week of _____.

Your message is Free Speech Message Letter A, B, or C.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
Smith 9:00am A	Smith 9:00AM B	Smith 9:00AM C	Smith 9:00AM A	Smith 9:00AM B		Sol Es Vida/ CNC 9:30AM C
						Vibrations 10:00AM A
					Movie 2:30+ -4PM+ A	
Douglas 3-4PM B	Douglas 3-4PM C	Douglas 3-4PM A	Douglas 3-4PM B	Douglas 3-4PM C		
Dealer's Choice 7:30PM C		Concentration 7:30PM B		Truth 7:30PM A		
						AllTogether Now 10:30PM B

Smith (repeat)
1:30AM
C

[KGO-TV, San Francisco, California]

SPEAK FREELY - WEEKLY SCHEDULE FROM May 20, 1974 TO May 26, 1974

MONDAY 5/20/74	TUESDAY 5/21/74	WEDNESDAY 5/22/74	THURSDAY 5/23/74	FRIDAY 5/24/74	SATURDAY 5/25/74	SUNDAY 5/26/74
3:30 Movie 4:45 PM Break	6 PM News 7 PM Break	3:30 PM Movie 4:45 PM Break	6 PM News 7 PM Break	3:30 PM Movie 4:45 PM Break	About Time 7:00-7:30 PM	La Raza 2:30-3:00 PM
R# 455-60	VTR# 459-60	VTR# 459-60	VTR# 460-60	VTR# 457-60	VTR# 459-60	VTR# 460-60
NGTH: 1:00	LENGTH: 1:00	LENGTH: 1:00	LENGTH: 1:00	LENGTH: 1:00	LENGTH: 1:00	LENGTH: 1
				SUNDAY - 5/26/74		
				6 PM Break Follows The Sunday Movie	About Time 7:00-7:30 PM	La Raza 2:30-3:00 PM
R#	VTR#	VTR#	VTR#	VTR# 460-60	VTR# 455-60	VTR# 457-60
ENGTH: 1:00	LENGTH: 1:00	LENGTH: 1:00	LENGTH: 1:00	LENGTH: 1:00	LENGTH: 1:00	LENGTH: 1
					SUNDAY 5/26/74	
					Bay Scene 2:00-2:30 PM	Call Out 3:00-3:30 PM
					VTR# 456-60	VTR# 459-60
					LENGTH: 1:00	LENGTH: 1
				SUNDAY - 5/26/74		
				ABC WEEKEND NEWS 11:45 PM Break	Bay Scene 2:00-2:30 PM	Call Out 3:00-3:30 PM
				VTR# 460-60	VTR# 459-60	VTR# 460-60
				LENGTH: 1:00	LENGTH: 1:00	LENGTH: 1

VTR #	SPEAKER
455-60	Jean Davidson - PLANNING AHEAD
456-60	Andy Baltzo - MT. DIABLO PEACE CENTER
457-60	Bill Hamilton - COMMITTEE FOR PRISONER HUMANITY & JUSTICE
459-60	Adam Cole - FAIRNESS FOR ENTERTAINERS
460-60	Chris Baker - FAIRNESS FOR FIREFIGHTERS

42

BOB SUNDERLAND

Free Speech Guidelines

KPIX is now offering an opportunity for you to express yourself on television. You can speak as an individual or as a member of an organization in the Bay Area. **Free Speech Messages** usually include a statement of personal or group opinion or a call to action and differ from **Public Service Announcements** which give general information concerning group goals or events. In each Free Speech Message, you can plead a special case, fill an information gap, express an opinion that may or may not be controversial or simply advance an idea that is of general interest to the public.

There are, however, some boundary lines regarding content and time limitations. For example, the station cannot permit the use of slanderous remarks, profanities or obscenities. The encouragement of illegal acts and the promotion of commercial products or services is not allowed. Nor are messages on behalf of political candidates and ballot measures. Each message must be timed to ~~50~~ seconds in length (approximately 100 words, depending upon your speed of delivery). Each Free Speech Message is broadcast at various times over the course of a week.

You are required to submit a script of your message for review in advance of taping. We will respond by mail or phone as soon as possible and then if your message is acceptable to KPIX, we'll arrange for a recording session in the KPIX studios.

The Free Speech Message is one form of open access. There are other formats in use at KPIX. The Public Service Department will work with you to determine the best possible format for your message.

So the next time you learn something that is important to lots of people, share it on television. If you feel strongly about something, use television to give others an understanding or new awareness of what you've discovered. Or if you're committed to finding a solution to a general problem, use television to turn people on.

Call us at 776-5100, Ext. 301, or send your script to:

FREE SPEECH MESSAGES
c/o KPIX
2655 Van Ness Avenue
San Francisco, Ca 94109

We look forward to hearing from you.

KPIX 5 GROUP W